

Attachment 2

STATE OF WEST VIRGINIA
COUNTY OF SUMMERS, SS

DECLARATION

I, Lonnie R. Mullins, state that I am President of Bluestone Broadcasters, Inc., licensee of AM Station WMTD, Hinton, WV. Bluestone Broadcasters, Inc. acquired the station January 1, 1964. Since then I have served continuously as the station's General Manager and Chief Operator in addition to being a corporate officer throughout the period. The station is now silent. This declaration is an account of actions taken to return the station to service.

As other documents will reveal the station went silent in January of 1993, when the new owner of the transmitter site used for thirty three years, directed us to vacate the premises, We ceased operations and began removing the equipment on January 27, 1993 and filed the first of several requests to remain silent on February 8, 1993.

Our consulting engineer suggested trying to find a new site within one-half mile of the original location if possible, as "re-engineering" the station to satisfy interference contours would likely eliminate sites much farther removed. Given the rugged terrain in the immediate vicinity of Hinton, WV and the fact an AM site requires slightly over three acres of reasonably level and clear land, our choices were obviously limited.

Our first and most desirable attempt for a new site was on land adjacent to the original site and owned by Mrs. C.O. O'Farrell of Hinton, WV. Initially, Mrs. O'Farrell showed a willingness to lease the necessary land but said she would have to consult with children and family members. While progress was admittedly slow, Mrs. O'Farrell continued to indicate an agreement was likely. Since this was an ideal re-location, I was encouraged to hold out for favorable results; especially since my approval letters from the FCC to remain silent did not appear to suggest urgency.

Perhaps I should insert here the fact that exchanges between Bluestone Broadcasters, Inc. to remain silent and the approval responses from the FCC took on a "form letter" type, with neither of us saying anything new. Eventhough I was doing everything stated in my letters, I can acknowledge they were short of specifics, if that was in fact the cause of this application for renewal moving to a designation for hearing.

Hopefully, this declaration will reinforce the earlier request with regard to specifics. During the twelve month period preceding this statement, I contacted and re-contacted property owners in addition to Mrs. O'Farrell, who I believed owned suitable sites and because word spread we were looking for a site I responded to offers from property owners outside of the targeted area. One of these was R.J. Rushford of Hinton, WV, offering sale of a plot which we determined to be too small and too close to other buildings to permit a proper tower and ground system.

Others with whom we discussed acquisition of sites include Sherman Bowling of Hinton, Dale and Cindy Gill of Hinton, Glenn A. Adkins of Hinton and Wyatt and Virginia Hinton of Hinton, WV.

Following our application to remain silent of February 21, 1996, our next official response from the FCC was the notice of designation of hearing issued in September, 1996. After engaging legal council and being brought up to date with FCC actions regarding dark stations and the Communication Act of 1996, we decided to make a final effort to restore WMTD by first responding positively to the designation of hearing and to again ask property owners for an immediate and final decision.

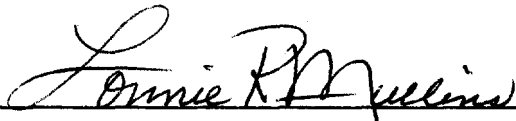
Going first again to Mrs. O'Farrell, she informed us after a few days with regret she was unable to offer us a site. However, Wyatt and Virginia Hinton after consultation with their family did agree to lease a corner on their farm for twenty years, if we could gain approval from the FCC. An option reflecting this agreement has been executed.

FCC Form 301, for minor change, has been filed seeking permission to move the transmitter to this new site, with request for expedited processing. An application for Special Temporary Authority to operate from the new site with a temporary antenna has also been filed, should it be needed to be back on the air within a deadline before time and/or weather could prevent installation of the permanent antenna.

In consideration of the foregoing, I can state in good faith that Bluestone Broadcasters, Inc. has the intent and capability to return WMTD (AM) to the air with favorable decisions on questions and applications now pending before the FCC. Furthermore, I believe the record will demonstrate our efforts to remain in compliance with Sections 73.1740 and 73.1750 of FCC Rules and Regulations cited in the designation of hearing for license renewal.

I hope that having operated the station for at least ninety percent of its licensed time over a span of thirty three, plus years will serve as a demonstration of our desire to serve the public interests, convenience and necessity, which we pledge to continue with FCC approval.

Executed and declared true and correct, under penalty of perjury this 12th day of November, 1996.



LONNIE R. MULLINS

Attachment 3

FCC/MELLON NOV 12 1996

C O P Y

LAW OFFICES
KENKEL AND ASSOCIATES

1901 L STREET, N.W.

SUITE 290

WASHINGTON, D.C. 20036

November 12, 1996

WASHINGTON D.C.
POTOMAC MD

TELEPHONE
(202) 659-4401
(301) 299-6260
FAX
(202) 457-0426

JOHN B. KENKEL
D.C. AND MD.

Courier .. to
Federal Communications Commission
c/o Mellon Bank, 525 Wm Penn Way
Pittsburgh, PA 15259- 001

FEDERAL COMMUNICATIONS COMMISSION
MASS MEDIA SERVICES
P.O. Box 358190
Pittsburgh, PA 15251-5180

In re: WMTD(AM), Hinton, WV
Minor Change Application

Mesdames and Gentlemen:

For Bluestone Broadcasters, Inc., licensee of WMTD, 1380 kHz, Hinton, West Virginia, we are filing herewith the original and two copies of FCC Form 301 Application for Minor Change CP. The changes are transmitter location and antenna location and system, the same for a new site to replace the former site which WMTD lost and which occasioned it to go dark. The new site is less than 0.5 mi. from former site.

This application is filed on a SILENT STATION - EXPEDITED PROCESSING premise, per FCC Public Notices May 22, 1996, DA 96-818, et al.

A copy of this application, with the request for Expedited Processing, is being hand-delivered this date to the Audio Services Division, AM Side, Attn: Ms. Sharlene Lofty, Federal Communications Commission, 1919 M Street, NW, Washington, D.C., agreeable with the instructions in the aforementioned Public Notice.

The fee transmittal form is page one of the application. The applicant's check in amount \$690.00 is enclosed for the filing fee.

An extra copy of this letter (filing letter only), labelled for receipt, is enclosed, with a self-addressed, postage paid envelope, for receipt purposes.

If anything further is required, please let us know, and we will respond quickly, since this this is on the EXPEDITED PROCESSING basis.

Sincerely yours,



PREDECESSOR FIRMS: KENKEL, BARNARD & EDMUNDSON, KENKEL & BARNARD, CHT

FCC/MELLON NOV 12 1996

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By courier to
Federal Communications Commission
c/o Mellon Bank, 525 William Penn Way
Pittsburgh, PA 15259-001

FEDERAL COMMUNICATIONS COMMISSION
MASS MEDIA SERVICES
AUDIO SERVICES - AM SIDE
P.O. Box 358190
Pittsburgh, PA 15251-5180

In re: WMTD(AM), Hinton W Va
Request for STA

Dear Sir or Madam:

We are filing herewith, in triplicate, the request of Bluestone Broadcasters, Inc., WMTD, Hinton, West Virginia for Special Temporary Authority (STA) to operate with a temporary antenna installation at a site less than 0.5 miles from its licensed site (which was lost and occasioned WMTD going silent), so that WMTD may return to the air. The temporary authority is required to restore service quickly, pending action on the minor change application filed today, with WMTD facing the loss of license otherwise under the provisions of Sec. 403(1) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, §403(1) (1996).

A completed fee processing form is enclosed, together with WMTD's check in amount \$125.00 for the filing fee.

A copy hereof, labelled for receipt, is enclosed, with a self-addressed postage paid envelope, for Receipt purposes.

This STA Request is submitted on a SILENT STATION - EXPEDITED PROCESSING premise, and such relief is prayed for by your applicant.

A copy of this Expedited Processing Request STA application is being delivered to the FCC's Audio Services Division, AM Side, attention Ms. Sharlene Lofty, 1919 M Street, NW, Washington, D.C.

In the premises, your very early attention, kind consideration and favorable action on this STA request will be appreciated.

PREDECESSOR FIRMS: KENKEL, BARNARD & EDMUNDSON; KENKEL & BARNARD, LTD.

Sincerely yours,
John B. Kenkel

LAW OFFICES
KENKEL AND ASSOCIATES

1901 L STREET, N.W.

SUITE 290

WASHINGTON, D.C. 20036

WASHINGTON, D.C.
POTOMAC, MD.

TELEPHONE
(202) 659-4401
(301) 299-6260
FAX
(202) 457-0426

November 13, 1996

JOHN B. KENKEL
D.C. AND MD.

RECEIVED

NOV 13 1996

Federal Communications Commission
Office of Secretary

File: Office of the Secretary, FCC
Mr. James Crutchfield
Audio Services Division
Federal Communications Commission
1919 M Street NW Room 332
Washington, D.C. 20554

In re: Application(s) of WMTD, Hinton, WV
Request for Expedited Consideration

Dear Mr. Crutchfield:

Yesterday there was filed an application for minor change for WMTD, Hinton, West Virginia, and an application (request) for Special Temporary Authority, so that the station which is "silent" on account of loss of site may be restored to operation from the new site (less than 0.5 mi. from licensed site) shown in the application and request for STA.

Each and both of these applications, needed to bring a silent station back on the air is with REQUEST TO EXPEDITE APPLICATION OF SILENT STATION (see FCC Public Notice May 22, 1996, DA-96-818).

A copy of each filing was delivered yesterday to the Audio Services Division, AM Side; however, for your use in connection with the Expedited Consideration, here is another copy of each.

The WMTD renewal application has been designated for hearing in MM Docket No. 96-192. We are delivering copies of this notification and request, with the noted attachments, to the Hon. Richard L. Sippel, Administrative Law Judge, and to Jacqueline Ellington, Esq., counsel for the Chief, Mass Media Bureau.

Sincerely yours,


John B. Kenkel

Attachs

cc w/ attchs: Hon. Richard L. Sippel Chambers, 2nd Floor 2000 L St, NW
Jacqueline Ellington, Esq., 2025 M Street Bldg. Rm 7212
Delivered Mr. Crutchfield's office, Room 332